

10/643,159  
60449-079

## REMARKS

The Examiner lists claims 8 and 22 under the heading "Claim Objections," but the Examiner is simply noting his broad interpretation of certain claim terms. It is believed that there is no objection to which the Applicant must actually respond by amendment.

The Examiner has rejected claims 1, 2, 12, 15, 17-18 as anticipated by Pavatich (US 6,429,782). Claim 1 has been amended to include the elements of claim 5, namely, a "bridge circuit being balanced when no user hand is detected near the electrode, the bridge circuit becoming unbalanced based upon the presence of a user hand near the electrode." In Pavatich, the circuit is always oscillating. There is no circuit that is "balanced" when there is no hand present.

Claim 12 has been amended to include the elements of claim 13, namely, activating the switch based upon a rate of change of the frequency. The Examiner has rejected claim 13 as obvious over Pavatich in view of Neuman (US 5,942,815), stating that Pavatich "teaches that his system may be implemented to monitor the rate of changes of frequency characteristics (column 3 lines 25-31)." This is incorrect. In the cited passage, Pavatich is merely stating that the algorithm will have to "adapt to the frequency characteristics and rate-of-change of frequency." In other words, the algorithm will have to be able to detect the relevant frequencies and will have to be able to detect the changes in frequencies at the rate at which they occur. Because Neuman discloses a flexible capacitive switch, very slow changes due to temperature changes must be filtered out. There is no suggestion for modifying Pavatich to monitor rate of change of capacitance, since it would not be subject to the same temperature sensitivity. Therefore, claim 12 is not obvious.

Claim 24 recites that the electrode is part of a vehicle horn switch and has also been rejected as obvious over Pavatich in view of Neuman. There is no suggestion in either Pavatich or Neuman to move the

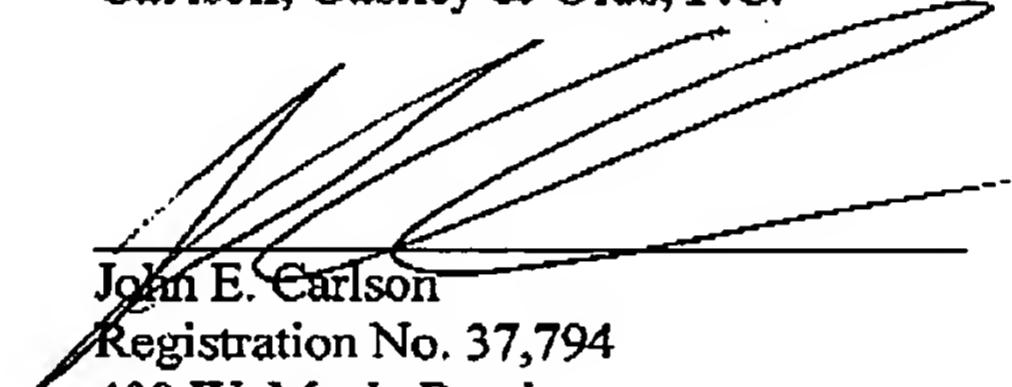
10/643,159  
60449-079

Pavatich switch to a steering wheel to activate a horn switch. The Pavatich capacitive sensor is designed to be easily coupled to a mechanical switch (as a backup), which is not necessary (or at least, not disclosed in either reference). There is no motivation for moving the Pavatich sensor to a steering wheel. Therefore claim 24 is patentable.

If any fees or extensions are due, please charge Deposit Account 50-1482.

Respectfully submitted,

**Carlson, Gaskey & Olds, P.C.**



John E. Carlson  
Registration No. 37,794  
400 W. Maple Road  
Suite 350  
Birmingham, MI 48009  
(248) 988-8360

Date: May 23, 2006